

76-8-101. Definitions.

For the purposes of this chapter:

(1) "Candidate for electoral office" means a person who has filed as a candidate for office under the laws of the state.

(2) "Party official" means any person holding any post in a political party whether by election, appointment, or otherwise.

(3) "Peace officer" means any employee of a police or law enforcement agency that is part of or administered by the state or any of its political subdivisions, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or any of its political subdivisions.

(4) (a) "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.

(b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.

(5) (a) "Public servant" means any officer or employee of the state or any political subdivision of the state, including judges, legislators, consultants, and persons otherwise performing a governmental function.

(b) A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.

Amended by Chapter 42, 1993 General Session

76-8-102. Campaign contributions not prohibited.

Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

Enacted by Chapter 196, 1973 General Session

76-8-103. Bribery or offering a bribe.

(1) A person is guilty of bribery or offering a bribe if that person promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.

(2) It is not a defense to a prosecution under this statute that:

(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

(b) the person sought to be influenced did not act in the desired way; or

(c) the benefit is not conferred, solicited, or accepted until after:

(i) the action, decision, opinion, recommendation, judgment, vote, nomination,

or exercise of discretion, has occurred; or

(ii) the public servant ceases to be a public servant.

(3) Bribery or offering a bribe is:

(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is less than \$1,000; and

(b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or more.

Amended by Chapter 92, 1998 General Session

76-8-104. Threats to influence official or political action.

(1) A person is guilty of a class A misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.

(2) As used in this section:

(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

(b) "Public servant" does not include jurors.

Amended by Chapter 215, 1991 General Session

76-8-105. Receiving or soliciting bribe or bribery by public servant.

(1) A person is guilty of receiving or soliciting a bribe if that person asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.

(2) It is not a defense to a prosecution under this statute that:

(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

(b) the person sought to be influenced did not act in the desired way; or

(c) the benefit is not asked for, conferred, solicited, or accepted until after:

(i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or

(ii) the public servant ceases to be a public servant.

(3) Receiving or soliciting a bribe is:

(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less; and

(b) a second degree felony when the value of the benefit asked for, solicited, accepted, or conferred exceeds \$1,000.

Repealed and Re-enacted by Chapter 92, 1998 General Session

76-8-106. Receiving bribe or bribery for endorsement of person as public servant.

A person is guilty of a class B misdemeanor if:

(1) He solicits, accepts, agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or

(2) He knowingly gives, offers, or promises any pecuniary benefit prohibited by paragraph (1).

Enacted by Chapter 196, 1973 General Session

76-8-107. Alteration of proposed legislative bill or resolution.

Every person who fraudulently alters the draft of any bill or resolution which has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure its being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by such house, is guilty of a felony of the third degree.

Amended by Chapter 32, 1974 General Session

76-8-108. Alteration of enrolled legislative bill or resolution.

Every person who fraudulently alters the enrolled copy of any bill or resolution which has been passed or adopted by the Legislature with intent to procure it to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes in language different from that in which it was passed or adopted by the Legislature, is guilty of a felony of the third degree.

Amended by Chapter 21, 1985 General Session

76-8-110. Peace officer prohibited from acting as compensated collection agent for collection agencies or creditors.

(1) A peace officer may not have any interest in any collection agency or act as a compensated collection agent for any creditor or collection agency.

(2) A person that violates this section is guilty of a class C misdemeanor.

Amended by Chapter 128, 1992 General Session

76-8-201. Official misconduct -- Unauthorized acts or failure of duty.

A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

Enacted by Chapter 196, 1973 General Session

76-8-202. Official misconduct -- Unlawful acts based on "inside" information.

A public servant is guilty of a class A misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant, which information has not been made public, he:

- (1) acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information;
- (2) speculates or wagers on the basis of such action or information; or
- (3) knowingly aids another to do any of the foregoing.

Amended by Chapter 241, 1991 General Session

76-8-203. Unofficial misconduct.

(1) A person is guilty of unofficial misconduct if the person exercises or attempts to exercise any of the functions of a public office when the person:

- (a) has not taken and filed the required oath of office;
 - (b) has failed to execute and file a required bond;
 - (c) has not been elected or appointed to office;
 - (d) exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed; or
 - (e) knowingly withholds or retains from his successor in office or other person entitled to the official seal or any records, papers, documents, or other writings appertaining or belonging to his office or mutilates or destroys or takes away the same.
- (2) Unofficial misconduct is a class B misdemeanor.

Amended by Chapter 336, 2011 General Session

76-8-301. Interference with public servant.

- (1) A person is guilty of interference with a public servant if he:
 - (a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or
 - (b) knowingly or intentionally interferes with the lawful service of process by a public servant.
- (2) Interference with a public servant is a class B misdemeanor.
- (3) For purposes of this section, "public servant" does not include jurors.

Amended by Chapter 72, 1998 General Session

76-8-301.5. Failure to disclose identity.

- (1) A person is guilty of failure to disclose identity if during the period of time that the person is lawfully subjected to a stop as described in Section 77-7-15:
 - (a) a peace officer demands that the person disclose the person's name;
 - (b) the demand described in Subsection (1)(a) is reasonably related to the

circumstances justifying the stop;

(c) the disclosure of the person's name by the person does not present a reasonable danger of self-incrimination in the commission of a crime; and

(d) the person fails to disclose the person's name.

(2) Failure to disclose identity is a class B misdemeanor.

Enacted by Chapter 293, 2008 General Session

76-8-302. Picketing or parading in or near court.

A person is guilty of a class B misdemeanor if he pickets or parades in or near a building which houses a court of this state with intent to obstruct access to that court or to affect the outcome of a case pending before that court.

Enacted by Chapter 196, 1973 General Session

76-8-303. Prevention of Legislature or public servants from meeting or organizing.

A person is guilty of a felony of the third degree if he intentionally and by force or fraud:

(1) Prevents the Legislature, or either of the houses composing it, or any of the members thereof, from meeting or organizing; or

(2) Prevents any other public servant from meeting or organizing to perform a lawful governmental function.

Enacted by Chapter 196, 1973 General Session

76-8-304. Disturbing Legislature or official meeting.

(1) A person is guilty of a class B misdemeanor if he intentionally:

(a) disturbs the Legislature, or either of the houses composing it, while in session;

(b) commits any disorderly conduct in the immediate view and presence of either house of the Legislature, tending to interrupt its proceedings or impair the respect of its authority; or

(c) disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting tending to interrupt its proceedings.

(2) "Official meeting," as used in this section, means any lawful meeting of public servants for the purposes of carrying on governmental functions.

Amended by Chapter 30, 1992 General Session

76-8-305. Interference with arresting officer.

A person is guilty of a class B misdemeanor if he has knowledge, or by the exercise of reasonable care should have knowledge, that a peace officer is seeking to effect a lawful arrest or detention of that person or another and interferes with the

arrest or detention by:

- (1) use of force or any weapon;
- (2) the arrested person's refusal to perform any act required by lawful order:
 - (a) necessary to effect the arrest or detention; and
 - (b) made by a peace officer involved in the arrest or detention; or
- (3) the arrested person's or another person's refusal to refrain from performing any act that would impede the arrest or detention.

Amended by Chapter 274, 1990 General Session

76-8-305.5. Failure to stop at the command of a law enforcement officer.

A person is guilty of a class A misdemeanor who flees from or otherwise attempts to elude a law enforcement officer:

- (1) after the officer has issued a verbal or visual command to stop;
- (2) for the purpose of avoiding arrest; and
- (3) by any means other than a violation of Section 41-6a-210 regarding failure to stop a vehicle at the command of a law enforcement officer.

Enacted by Chapter 288, 2005 General Session

76-8-306. Obstruction of justice in criminal investigations or proceedings -- Elements -- Penalties -- Exceptions.

(1) An actor commits obstruction of justice if the actor, with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes a criminal offense:

- (a) provides any person with a weapon;
- (b) prevents by force, intimidation, or deception, any person from performing any act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person;
- (c) alters, destroys, conceals, or removes any item or other thing;
- (d) makes, presents, or uses any item or thing known by the actor to be false;
- (e) harbors or conceals a person;
- (f) provides a person with transportation, disguise, or other means of avoiding discovery or apprehension;
- (g) warns any person of impending discovery or apprehension;
- (h) warns any person of an order authorizing the interception of wire communications or of a pending application for an order authorizing the interception of wire communications;
- (i) conceals information that is not privileged and that concerns the offense, after a judge or magistrate has ordered the actor to provide the information; or
- (j) provides false information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation.

(2) (a) As used in this section, "conduct that constitutes a criminal offense" means conduct that would be punishable as a crime and is separate from a violation of this section, and includes:

(i) any violation of a criminal statute or ordinance of this state, its political subdivisions, any other state, or any district, possession, or territory of the United States; and

(ii) conduct committed by a juvenile which would be a crime if committed by an adult.

(b) A violation of a criminal statute that is committed in another state, or any district, possession, or territory of the United States, is a:

(i) capital felony if the penalty provided includes death or life imprisonment without parole;

(ii) a first degree felony if the penalty provided includes life imprisonment with parole or a maximum term of imprisonment exceeding 15 years;

(iii) a second degree felony if the penalty provided exceeds five years;

(iv) a third degree felony if the penalty provided includes imprisonment for any period exceeding one year; and

(v) a misdemeanor if the penalty provided includes imprisonment for any period of one year or less.

(3) Obstruction of justice is:

(a) a second degree felony if the conduct which constitutes an offense would be a capital felony or first degree felony;

(b) a third degree felony if:

(i) the conduct that constitutes an offense would be a second or third degree felony and the actor violates Subsection (1)(b), (c), (d), (e), or (f);

(ii) the conduct that constitutes an offense would be any offense other than a capital or first degree felony and the actor violates Subsection (1)(a);

(iii) the obstruction of justice is presented or committed before a court of law; or

(iv) a violation of Subsection (1)(h); or

(c) a class A misdemeanor for any violation of this section that is not enumerated under Subsection (3)(a) or (b).

(4) It is not a defense that the actor was unaware of the level of penalty for the conduct constituting an offense.

(5) Subsection (1)(e) does not apply to harboring a youth offender, which is governed by Section 62A-7-402.

(6) Subsection (1)(b) does not apply to:

(a) tampering with a juror, which is governed by Section 76-8-508.5;

(b) influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole, which is governed by Section 76-8-316;

(c) tampering with a witness or soliciting or receiving a bribe, which is governed by Section 76-8-508;

(d) retaliation against a witness, victim, or informant, which is governed by Section 76-8-508.3; or

(e) extortion or bribery to dismiss a criminal proceeding, which is governed by Section 76-8-509.

(7) Notwithstanding Subsection (1), (2), or (3), an actor commits a third degree felony if the actor harbors or conceals an offender who has escaped from official custody as defined in Section 76-8-309.

Amended by Chapter 213, 2009 General Session

76-8-306.5. Obstructing service of a Board of Pardons' warrant or a probationer order to show cause.

A person is guilty of a third degree felony who:

- (1) knows that the Board of Pardons and Parole has issued a warrant for a parolee or that a court has issued an order to show cause regarding a defendant's violation of the terms of probation; and
- (2) (a) harbors or conceals the parolee or probationer;
- (b) provides the parolee or probationer with transportation, disguise, or other means or assistance to avoid discovery; or
- (c) warns the parolee or probationer of his impending discovery.

Enacted by Chapter 155, 2007 General Session

76-8-307. Failure to aid peace officer.

A person is guilty of a class B misdemeanor if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.

Enacted by Chapter 196, 1973 General Session

76-8-308. Acceptance of bribe or bribery to prevent criminal prosecution -- Defense.

- (1) A person is guilty of a class A misdemeanor if he:
 - (a) solicits, accepts, or agrees to accept any benefit as consideration for his refraining from initiating or aiding in a criminal prosecution; or
 - (b) confers, offers, or agrees to confer any benefit upon another as consideration for the person refraining from initiating or aiding in a criminal prosecution.
- (2) It is an affirmative defense that the value of the benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

Amended by Chapter 241, 1991 General Session

76-8-309. Escape and aggravated escape -- Consecutive sentences -- Definitions.

- (1) (a) (i) A prisoner is guilty of escape if he leaves official custody without lawful authorization.
- (ii) If a prisoner obtains authorization to leave official custody by means of deceit, fraud, or other artifice, the prisoner has not received lawful authorization.
- (b) Escape under this Subsection (1) is a third degree felony except as provided under Subsection (1)(c).

(c) Escape under this Subsection (1) is a second degree felony if:
(i) the actor escapes from a state prison; or
(ii) (A) the actor is convicted as a party to the offense, as defined in Section 76-2-202; and

(B) the actor is an employee at or a volunteer of a law enforcement agency, the Department of Corrections, a county or district attorney's office, the office of the state attorney general, the Board of Pardons and Parole, or the courts, the Judicial Council, the Office of the Court Administrator, or similar administrative units in the judicial branch of government.

(2) (a) A prisoner is guilty of aggravated escape if in the commission of an escape he uses a dangerous weapon, as defined in Section 76-1-601, or causes serious bodily injury to another.

(b) Aggravated escape is a first degree felony.

(3) Any prison term imposed upon a prisoner for escape under this section shall run consecutively with any other sentence.

(4) For the purposes of this section:

(a) "Confinement" means the prisoner is:

(i) housed in a state prison or any other facility pursuant to a contract with the Utah Department of Corrections after being sentenced and committed and the sentence has not been terminated or voided or the prisoner is not on parole;

(ii) lawfully detained in a county jail prior to trial or sentencing or housed in a county jail after sentencing and commitment and the sentence has not been terminated or voided or the prisoner is not on parole; or

(iii) lawfully detained following arrest.

(b) "Escape" is considered to be a continuing activity commencing with the conception of the design to escape and continuing until the escaping prisoner is returned to official custody or the prisoner's attempt to escape is thwarted or abandoned.

(c) "Official custody" means arrest, whether with or without warrant, or confinement in a state prison, jail, institution for secure confinement of juvenile offenders, or any confinement pursuant to an order of the court or sentenced and committed and the sentence has not been terminated or voided or the prisoner is not on parole. A person is considered confined in the state prison if he:

(i) without authority fails to return to his place of confinement from work release or home visit by the time designated for return;

(ii) is in prehearing custody after arrest for parole violation;

(iii) is being housed in a county jail, after felony commitment, pursuant to a contract with the Department of Corrections; or

(iv) is being transported as a prisoner in the state prison by correctional officers.

(d) "Prisoner" means any person who is in official custody and includes persons under trusty status.

(e) "Volunteer" means any person who donates service without pay or other compensation except expenses actually and reasonably incurred as approved by the supervising agency.

Amended by Chapter 274, 2004 General Session

76-8-311.1. Secure areas -- Items prohibited -- Penalty.

(1) In addition to the definitions in Section 76-10-501, as used in this section:

(a) "Correctional facility" has the same meaning as defined in Section 76-8-311.3.

(b) "Explosive" has the same meaning as defined for "explosive, chemical, or incendiary device" defined in Section 76-10-306.

(c) "Law enforcement facility" means a facility which is owned, leased, or operated by a law enforcement agency.

(d) "Mental health facility" has the same meaning as defined in Section 62A-15-602.

(e) (i) "Secure area" means any area into which certain persons are restricted from transporting any firearm, ammunition, dangerous weapon, or explosive.

(ii) A "secure area" may not include any area normally accessible to the public.

(2) (a) A person in charge of a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm, ammunition, dangerous weapon, or explosive.

(b) Subsections (2)(a), (3), (4), (5), and (6) apply to higher education secure area hearing rooms referred to in Subsections 53B-3-103(2)(a)(ii) and (b).

(3) At least one notice shall be prominently displayed at each entrance to an area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.

(4) (a) Provisions shall be made to provide a secure weapons storage area so that persons entering the secure area may store their weapons prior to entering the secure area.

(b) The entity operating the facility shall be responsible for weapons while they are stored in the storage area.

(5) It is a defense to any prosecution under this section that the accused, in committing the act made criminal by this section, acted in conformity with the facility's rule or policy established pursuant to this section.

(6) (a) Any person who knowingly or intentionally transports into a secure area of a facility any firearm, ammunition, or dangerous weapon is guilty of a third degree felony.

(b) Any person violates Section 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a secure area of a facility.

Amended by Chapter 8, 2002 Special Session 5

76-8-311.3. Items prohibited in correctional and mental health facilities -- Penalties.

(1) As used in this section:

(a) "Contraband" means any item not specifically prohibited for possession by offenders under this section or Title 58, Chapter 37, Utah Controlled Substances Act.

(b) "Controlled substance" means any substance defined as a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.

(c) "Correctional facility" means:

- (i) any facility operated by or contracting with the Department of Corrections to house offenders in either a secure or nonsecure setting;
 - (ii) any facility operated by a municipality or a county to house or detain criminal offenders;
 - (iii) any juvenile detention facility; and
 - (iv) any building or grounds appurtenant to the facility or lands granted to the state, municipality, or county for use as a correctional facility.
- (d) "Electronic cigarette" is as defined in Section 76-10-101.
- (e) "Medicine" means any prescription drug as defined in Title 58, Chapter 17b, Pharmacy Practice Act, but does not include any controlled substances as defined in Title 58, Chapter 37, Utah Controlled Substances Act.
- (f) "Mental health facility" is as defined in Section 62A-15-602.
- (g) "Offender" means a person in custody at a correctional facility.
- (h) "Secure area" is as defined in Section 76-8-311.1.

(2) Notwithstanding Section 76-10-500, a correctional or mental health facility may provide by rule that no firearm, ammunition, dangerous weapon, implement of escape, explosive, controlled substance, spirituous or fermented liquor, medicine, or poison in any quantity may be:

- (a) transported to or upon a correctional or mental health facility;
- (b) sold or given away at any correctional or mental health facility;
- (c) given to or used by any offender at a correctional or mental health facility; or
- (d) knowingly or intentionally possessed at a correctional or mental health facility.

(3) It is a defense to any prosecution under this section if the accused in committing the act made criminal by this section with respect to:

- (a) a correctional facility operated by the Department of Corrections, acted in conformity with departmental rule or policy;
- (b) a correctional facility operated by a municipality, acted in conformity with the policy of the municipality;
- (c) a correctional facility operated by a county, acted in conformity with the policy of the county; or
- (d) a mental health facility, acted in conformity with the policy of the mental health facility.

(4) (a) Any person who transports to or upon a correctional facility, or into a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape with intent to provide or sell it to any offender, is guilty of a second degree felony.

(b) Any person who provides or sells to any offender at a correctional facility, or any detainee at a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a second degree felony.

(c) Any offender who possesses at a correctional facility, or any detainee who possesses at a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a second degree felony.

(d) Any person who, without the permission of the authority operating the

correctional facility or the secure area of a mental health facility, knowingly possesses at a correctional facility or a secure area of a mental health facility any firearm, ammunition, dangerous weapon, or implement of escape is guilty of a third degree felony.

(e) Any person violates Section 76-10-306 who knowingly or intentionally transports, possesses, distributes, or sells any explosive in a correctional facility or mental health facility.

(5) (a) A person is guilty of a third degree felony who, without the permission of the authority operating the correctional facility or secure area of a mental health facility, knowingly transports to or upon a correctional facility or into a secure area of a mental health facility any:

- (i) spirituous or fermented liquor;
- (ii) medicine, whether or not lawfully prescribed for the offender; or
- (iii) poison in any quantity.

(b) A person is guilty of a third degree felony who knowingly violates correctional or mental health facility policy or rule by providing or selling to any offender at a correctional facility or detainee within a secure area of a mental health facility any:

- (i) spirituous or fermented liquor;
- (ii) medicine, whether or not lawfully prescribed for the offender; or
- (iii) poison in any quantity.

(c) An inmate is guilty of a third degree felony who, in violation of correctional or mental health facility policy or rule, possesses at a correctional facility or in a secure area of a mental health facility any:

- (i) spirituous or fermented liquor;
- (ii) medicine, other than medicine provided by the facility's health care providers in compliance with facility policy; or
- (iii) poison in any quantity.

(d) A person is guilty of a class A misdemeanor who, with the intent to directly or indirectly provide or sell any tobacco product or electronic cigarette to an offender, directly or indirectly:

(i) transports, delivers, or distributes any tobacco product or electronic cigarette to an offender or on the grounds of any correctional facility;

(ii) solicits, requests, commands, coerces, encourages, or intentionally aids another person to transport any tobacco product or electronic cigarette to an offender or on any correctional facility, if the person is acting with the mental state required for the commission of an offense; or

(iii) facilitates, arranges, or causes the transport of any tobacco product or electronic cigarette in violation of this section to an offender or on the grounds of any correctional facility.

(e) A person is guilty of a class A misdemeanor who, without the permission of the authority operating the correctional or mental health facility, fails to declare or knowingly possesses at a correctional facility or in a secure area of a mental health facility any:

- (i) spirituous or fermented liquor;
- (ii) medicine; or

(iii) poison in any quantity.

(f) A person is guilty of a class B misdemeanor who, without the permission of the authority operating the correctional facility, knowingly engages in any activity that would facilitate the possession of any contraband by an offender in a correctional facility. The provisions of Subsection (5)(d) regarding any tobacco product or electronic cigarette take precedence over this Subsection (5)(f).

(g) Exemptions may be granted for worship for Native American inmates pursuant to Section 64-13-40.

(6) The possession, distribution, or use of a controlled substance at a correctional facility or in a secure area of a mental health facility shall be prosecuted in accordance with Title 58, Chapter 37, Utah Controlled Substances Act.

(7) The department shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines for providing written notice to visitors that providing any tobacco product or electronic cigarette to offenders is a class A misdemeanor.

Amended by Chapter 114, 2010 General Session

76-8-312. Bail-jumping.

(1) A person is guilty of an offense when having been released on bail or on his own recognizance by court order or by other lawful authority upon condition that he subsequently appear personally upon a charge of an offense, he fails without just cause to appear at the time and place which have been lawfully designated for his appearance.

(2) An offense under this section is a felony of the third degree when the offense charged is a felony, a class B misdemeanor when the offense charged is a misdemeanor, and an infraction when the offense charged is an infraction.

Amended by Chapter 32, 1974 General Session

76-8-313. Threatening elected officials -- Assault.

A person commits assault on an elected official when he attempts or threatens, irrespective of a showing of immediate force or violence, to inflict bodily injury to the elected official with the intent to impede, intimidate, or interfere with the elected official in the performance of his official duties or with the intent to retaliate against the elected official because of the performance of his official duties.

Amended by Chapter 45, 1996 General Session

76-8-314. Threatening elected officials -- "Elected official" defined.

As used in this section, "elected official" means:

- (1) any elected official of the state, county, or city and includes the members of the official's immediate family;
- (2) any temporary judge appointed to fill a vacant judicial position;
- (3) any judge not yet retained by a retention election;

- (4) any member of a school board; and
- (5) any person appointed to fill a vacant position of an elected official as defined in Subsection (1).

Amended by Chapter 45, 1996 General Session

76-8-315. Threatening elected officials -- Penalties for assault.

Assault on an elected official is a felony of the third degree if bodily injury is attempted or occurs, otherwise the assault is a class B misdemeanor.

Enacted by Chapter 330, 1983 General Session

76-8-316. Influencing, impeding, or retaliating against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

(1) As used in this section:

(a) "Board member" means an appointed member of the Board of Pardons and Parole.

(b) "Family member" means parents, spouse, surviving spouse, children, and siblings of a judge or board member.

(c) "Judge" means judges of all courts of record and courts not of record and court commissioners.

(2) A person is guilty of a third degree felony if the person threatens to assault, kidnap, or murder a judge, a family member of a judge, a board member, or a family member of a board member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties or with the intent to retaliate against the judge or board member on account of the performance of those official duties.

(3) A person is guilty of a second degree felony if the person commits an assault on a judge, a family member of a judge, a board member, or a family member of a board member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.

(4) A person is guilty of a first degree felony if the person commits aggravated assault on a judge, a family member of a judge, a board member, or a family member of a board member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties or with the intent to retaliate against the judge or board member on account of the performance of those official duties.

(5) A person is guilty of a first degree felony if the person commits attempted murder on a family member of a judge or a family member of a board member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties or with the intent to retaliate against the judge or board member on account of the performance of those

official duties.

(6) A member of the Board of Pardons and Parole is an executive officer for purposes of Subsection 76-5-202(1)(m).

Amended by Chapter 432, 2013 General Session

76-8-317. Refusal to comply with order to evacuate or other orders issued in a local or state emergency -- Penalties.

(1) A person may not refuse to comply with an order to evacuate issued under this chapter or refuse to comply with any other order issued by the governor in a state of an emergency under Section 53-2a-204 or by a chief executive officer in a local emergency under Section 53-2a-205, if notice of the order has been given to that person.

(2) A person who violates this section is guilty of a class B misdemeanor.

Amended by Chapter 295, 2013 General Session

76-8-401. "Public funds," "public money," and "public officer" defined.

As used in this title:

(1) "Public funds" or "public money" means funds, money, and accounts, regardless of the source from which they are derived, that are owned, held, or administered by the state or any of its boards, commissions, institutions, departments, divisions, agencies, bureaus, laboratories, or other similar instrumentalities, or any county, city, school district, political subdivision, or other public body. "Public money" also includes money, funds, or accounts that have been transferred by any of those public entities to a private contract provider of programs or services. The money, funds, or accounts maintain the nature of public money while in the possession of the private entity that has contracted with a public entity to provide programs or services.

(2) "Public officer" means:

(a) all elected officials of the state, a political subdivision of the state, a county, town, city, precinct, or district;

(b) a person appointed to or serving an unexpired term of an elected office;

(c) a judge of a court of record and not of record including justice court judges; and

(d) a member of the Board of Pardons and Parole.

Amended by Chapter 369, 2012 General Session

76-8-402. Misusing public money.

(1) Every public officer of this state or a political subdivision, or of any county, city, town, precinct, or district of this state, and every other person charged, either by law or under contract, with the receipt, safekeeping, transfer, disbursement, or use of public money commits an offense if the officer or other charged person:

(a) appropriates the money or any portion of it to his own use or benefit or to the use or benefit of another without authority of law;

- (b) loans or transfers the money or any portion of it without authority of law;
- (c) fails to keep the money in his possession until disbursed or paid out by authority of law;
- (d) unlawfully deposits the money or any portion in any bank or with any other person;
- (e) knowingly keeps any false account or makes any false entry or erasure in any account of or relating to the money;
- (f) fraudulently alters, falsifies, conceals, destroys, or obliterates any such account;
- (g) willfully refuses or omits to pay over, on demand, any public money in his hands, upon the presentation of a draft, order, or warrant drawn upon such money by competent authority;
- (h) willfully omits to transfer the money when the transfer is required by law; or
- (i) willfully omits or refuses to pay over, to any officer or person authorized by law to receive it, any money received by him under any duty imposed by law so to pay over the same.

(2) A violation of Subsection (1) is a felony of the third degree, except it is a felony of the second degree if:

- (a) the value of the money exceeds \$5,000;
- (b) the amount of the false account exceeds \$5,000;
- (c) the amount falsely entered exceeds \$5,000;
- (d) the amount that is the difference between the original amount and the fraudulently altered amount exceeds \$5,000; or
- (e) the amount falsely erased, fraudulently concealed, destroyed, obliterated, or falsified in the account exceeds \$5,000.

(3) In addition to the penalty described in Subsection (2), a public officer who violates Subsection (1) is subject to the penalties described in Section 76-8-404.

Amended by Chapter 106, 1999 General Session

76-8-403. Failure to keep and pay over public money.

Every person who receives, safekeeps, transfers, or disburses public money who neglects or fails to keep and pay over the money in the manner prescribed by law is guilty of a felony of the third degree.

Amended by Chapter 232, 1995 General Session

76-8-404. Making profit from or misusing public money -- Disqualification from office -- Criminal penalty.

A public officer, regardless of whether or not the officer receives, safekeeps, transfers, disburses, or has a fiduciary relationship with public money, who makes a profit from or out of public money, or who uses public money in a manner or for a purpose not authorized by law, is guilty of a felony as provided in Section 76-8-402 and shall, in addition to the punishment provided by law, be disqualified to hold public office.

Amended by Chapter 106, 1999 General Session

76-8-405. Failure to pay over fine, forfeiture, or fee.

Every public officer who receives any fine, forfeiture, or fee and refuses or neglects to pay it over within the time prescribed by law is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-406. Obstructing collection of revenue.

Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this state are interested, and which such officer is by law empowered to collect, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-407. Refusing to give tax assessment information, or giving false information.

Every person who unlawfully refuses, upon demand, to give to any county assessor or deputy county assessor a list of his property subject to taxation, or to swear to such list, or who gives a false name, or fraudulently refuses to give his true name when demanded by the assessor in the discharge of his official duties, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-408. Giving false tax receipt or failing to give receipt.

Every person who uses or gives any receipt, except that prescribed by law, as evidence of the payment for any tax or license of any kind, or who receives payment for the tax or license without delivering the receipt prescribed by law, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-409. Refusing to give tax assessor or tax or license collector list of, or denying access to, employees.

Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to the assessor or collector the name and residence of each person in his employ, or to give the assessor or collector access to the building or place of employment, is guilty of a class B misdemeanor.

Amended by Chapter 5, 1991 General Session

76-8-410. Doing business without license.

Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any law, or by any county, city, or town ordinance, without taking out the license required by law or ordinance is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-411. Trafficking in warrants.

No state, county, city, town, or district officer shall, either directly or indirectly, contract for or purchase any warrant or order issued by the state, county, city, town, or district of which he is an officer, at any discount whatever upon the sum due on the warrant or order, and, if any state, county, city, town, or district officer shall so contract for or purchase any such order or warrant on a discount, he is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-412. Stealing, destroying or mutilating public records by custodian.

Every officer having the custody of any record, map, or book, or of any paper or proceedings of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, willfully destroying, mutilating, defacing, altering, falsifying, removing, or secreting the whole or any part thereof, or who permits any other person so to do, is guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-8-413. Stealing, destroying or mutilating public records by one not custodian.

Every person, not an officer such as is referred to in the preceding section, who is guilty of any of the acts specified in that section is guilty of a class A misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-414. Recording false or forged instruments.

Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, is guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-8-415. Damaging or removing monuments of official surveys.

Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the

United States or state survey is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-416. Taking toll or maintaining road, bridge, or ferry without authority -- Refusal to pay lawful toll.

Any person who demands or receives compensation for the use of any bridge or ferry, or who sets up or keeps any road, bridge, or ferry, or constructed ford, for the purpose of receiving remuneration for its use without authority of law; and any person who refuses to pay on demand the compensation or fee authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after having used it is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-417. Tampering with official notice or proclamation.

Every person who intentionally defaces, obliterates, tears down, or destroys any copy or transcript or extract from or of any law of the United States or of this state, or any proclamation, advertisement, or notice, set up at any place in this state by authority of any law of the United States or of this state, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain set up, is guilty of an infraction.

Enacted by Chapter 196, 1973 General Session

76-8-418. Damaging jails.

A person who willfully and intentionally breaks down, pulls down, destroys, floods, or otherwise damages any public jail or other place of confinement, including a detention, shelter, or secure confinement facility for juveniles, is guilty of a felony of the third degree.

Amended by Chapter 13, 2005 General Session

76-8-419. Damaging highways or bridges.

(1) Every person who intentionally, knowingly, or recklessly digs up, removes, displaces, breaks, or otherwise damages or destroys any public highway, or any private way laid out by authority of law, or any bridge upon the highway or private way is guilty of a class A misdemeanor.

(2) If the violation of this section constitutes an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Amended by Chapter 166, 2002 General Session

76-8-420. Removing or damaging road signs.

Every person who intentionally or knowingly removes or injures any milepost or milestone or guidepost or any inscription on them, erected upon any highway, is guilty of a class B misdemeanor.

Amended by Chapter 229, 2007 General Session

76-8-501. Definitions.

As used in this part:

(1) "Material" means capable of affecting the course or outcome of an official proceeding, unless the person who made the statement or provided the information retracts the statement or information before the earlier of:

(a) the end of the official proceeding in which the statement was made or the information was provided;

(b) when it becomes manifest that the false or misleading nature of the statement or information has been or will be exposed; or

(c) when the statement or information substantially affects the proceeding.

(2) "Official proceeding" means:

(a) any proceeding before:

(i) a legislative, judicial, administrative, or other governmental body or official authorized by law to take evidence under oath or affirmation;

(ii) a notary; or

(iii) a person that takes evidence in connection with a proceeding described in Subsection (2)(a)(i);

(b) any civil or administrative action, trial, examination under oath, administrative proceeding, or other civil or administrative adjudicative process; or

(c) an investigation or audit conducted by:

(i) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or

(ii) an employee or independent contractor of an entity described in Subsection (1)(c)(i), at or under the direction of an entity described in Subsection (2)(c)(i).

Amended by Chapter 167, 2014 General Session

76-8-502. False or inconsistent material statements.

A person is guilty of a felony of the second degree if in any official proceeding:

(1) He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or

(2) He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true.

Amended by Chapter 324, 1997 General Session

76-8-503. False or inconsistent statements.

(1) Except as provided in Subsection (2), a person is guilty of a class B misdemeanor if:

(a) the person makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and the person does not believe the statement to be true if:

(i) the falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing the public servant's official functions; or

(ii) the statement is one that is authorized by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

(b) the person makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the person to be true.

(2) Subsection (1) does not include obstructing a legislative proceeding, as described in Section 36-12-9.5.

(3) A person is not guilty under this section if the person retracts the falsification before it becomes manifest that the falsification has been or will be exposed.

Amended by Chapter 167, 2014 General Session

76-8-504. Written false statement.

A person is guilty of a class B misdemeanor if:

(1) He makes a written false statement which he does not believe to be true on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

(2) With intent to deceive a public servant in the performance of his official function, he:

(a) Makes any written false statement which he does not believe to be true; or

(b) Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or

(c) Submits or invites reliance on any writing which he knows to be lacking in authenticity; or

(d) Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.

(3) No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

Enacted by Chapter 196, 1973 General Session

76-8-504.5. False statements -- Preliminary hearing.

(1) A person is guilty of a class A misdemeanor if the person makes a false statement:

(a) which the person does not believe to be true;

(b) that the person has reason to believe will be used in a preliminary hearing;
and

(c) after having been notified either verbally or in writing that:
(i) the statement may be used in a preliminary hearing before a magistrate or a judge; and

(ii) if the person makes a false statement after having received this notification, he is subject to a criminal penalty.

(2) Notification under Subsection (1) is sufficient if it is verbal or written and is in substantially the following form: "You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Enacted by Chapter 215, 1999 General Session

76-8-504.6. False or misleading information.

(1) A person is guilty of a class B misdemeanor if the person, not under oath or affirmation, intentionally or knowingly provides false or misleading material information to:

(a) an officer of the court for the purpose of influencing a criminal proceeding; or
(b) the Bureau of Criminal Identification for the purpose of obtaining a certificate of eligibility for expungement.

(2) For the purposes of this section "officer of the court" means:

(a) prosecutor;
(b) judge;
(c) court clerk;
(d) interpreter;
(e) presentence investigator;
(f) probation officer;
(g) parole officer; and
(h) any other person reasonably believed to be gathering information for a criminal proceeding.

(3) This section does not apply under circumstances amounting to Section 76-8-306 or any other provision of this code carrying a greater penalty.

Amended by Chapter 283, 2010 General Session

76-8-505. False or inconsistent statements -- Proof of falsity of statements -- Irregularities no defense.

(1) On any prosecution for a violation of Subsection 76-8-502(1) or 76-8-503(1)(a), falsity of a statement may not be established solely through contradiction by the testimony of a single witness.

(2) In prosecutions for violation of Subsection 76-8-502(2) or 76-8-503(1)(b), it need not be alleged or proved which of the statements are false but only that one or the other is false and not believed by the defendant to be true.

(3) It is not a defense to a charge under this part that the oath or affirmation was administered or taken in an irregular manner.

Amended by Chapter 324, 1997 General Session

76-8-506. Providing false information to law enforcement officers, government agencies, or specified professionals.

A person is guilty of a class B misdemeanor if he:

(1) knowingly gives or causes to be given false information to any peace officer or any state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another has committed an offense;

(2) knowingly gives or causes to be given to any peace officer, any state or local government agency or personnel, or to any person licensed in this state to practice social work, psychology, or marriage and family therapy, information concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger; or

(3) knowingly gives or causes to be given false information to any state or local government agency or personnel with a purpose of inducing a change in the person's licensing or certification status or the licensing or certification status of another.

Amended by Chapter 92, 2005 General Session

76-8-507. False personal information to peace officer.

(1) A person commits a class C misdemeanor if, with intent of misleading a peace officer as to the person's identity, birth date, or place of residence, the person knowingly gives a false name, birth date, or address to a peace officer in the lawful discharge of the peace officer's official duties.

(2) A person commits a class A misdemeanor if, with the intent of leading a peace officer to believe that the person is another actual person, he gives the name, birth date, or address of another person to a peace officer acting in the lawful discharge of the peace officer's official duties.

Amended by Chapter 42, 2002 General Session

76-8-508. Tampering with witness -- Receiving or soliciting a bribe.

(1) A person is guilty of the third degree felony of tampering with a witness if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation, he attempts to induce or otherwise cause another person to:

(a) testify or inform falsely;

(b) withhold any testimony, information, document, or item;

(c) elude legal process summoning him to provide evidence; or

(d) absent himself from any proceeding or investigation to which he has been summoned.

(2) A person is guilty of the third degree felony of soliciting or receiving a bribe as a witness if he solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the acts specified under Subsection (1).

(3) The offense of tampering with a witness or soliciting or receiving a bribe under this section does not merge with any other substantive offense committed in the course of committing any offense under this section.

Amended by Chapter 140, 2004 General Session

76-8-508.3. Retaliation against a witness, victim, or informant.

(1) As used in this section:

(a) A person is "closely associated" with a witness, victim, or informant if the person is a member of the witness', victim's, or informant's family, has a close personal or business relationship with the witness or victim, or resides in the same household with the witness, victim, or informant.

(b) "Harm" means physical, emotional, or economic injury or damage to a person or to his property, reputation, or business interests.

(2) A person is guilty of the third degree felony of retaliation against a witness, victim, or informant if, believing that an official proceeding or investigation is pending, is about to be instituted, or has been concluded, he:

(a) (i) makes a threat of harm; or

(ii) causes harm; and

(b) directs the threat or action:

(i) against a witness or an informant regarding any official proceeding, a victim of any crime, or any person closely associated with a witness, victim, or informant; and

(ii) as retaliation or retribution against the witness, victim, or informant.

(3) This section does not prohibit any person from seeking any legal redress to which the person is otherwise entitled.

(4) The offense of retaliation against a witness, victim, or informant under this section does not merge with any other substantive offense committed in the course of committing any offense under this section.

Enacted by Chapter 140, 2004 General Session

76-8-508.5. Tampering with juror -- Retaliation against juror -- Penalty.

(1) As used in this section "juror" means a person:

(a) summoned for jury duty; or

(b) serving as or having served as a juror or alternate juror in any court or as a juror on any grand jury of the state.

(2) A person is guilty of tampering with a juror if he attempts to or actually influences a juror in the discharge of the juror's service by:

(a) communicating with the juror by any means, directly or indirectly, except for attorneys in lawful discharge of their duties in open court;

(b) offering, conferring, or agreeing to confer any benefit upon the juror; or

(c) communicating to the juror a threat that a reasonable person would believe to be a threat to injure:

(i) the juror's person or property; or

(ii) the person or property of any other person in whose welfare the juror is

interested.

(3) A person is guilty of tampering with a juror if he commits any unlawful act in retaliation for anything done by the juror in the discharge of the juror's service:

(a) to the juror's person or property; or

(b) to the person or property of any other person in whose welfare the juror is interested.

(4) Tampering with a juror is a third degree felony.

Amended by Chapter 219, 1992 General Session

76-8-509. Extortion or bribery to dismiss criminal proceeding.

(1) A person is guilty of a felony of the second degree if by the use of force or by any threat which would constitute a means of committing the crime of theft by extortion under this code, if the threat were employed to obtain property, or by promise of any reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the dismissal of or to prevent the filing of a criminal complaint, indictment, or information.

(2) "Victim," as used in this section, includes a child or other person under the care or custody of a parent or guardian.

Enacted by Chapter 196, 1973 General Session

76-8-510.5. Tampering with evidence -- Definitions -- Elements -- Penalties.

(1) As used in this section, "thing or item" includes any document, record book, paper, file, electronic compilation, or other evidence.

(2) A person is guilty of tampering with evidence if, believing that an official proceeding or investigation is pending or about to be instituted, or with the intent to prevent an official proceeding or investigation or to prevent the production of any thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation, the person knowingly or intentionally:

(a) alters, destroys, conceals, or removes any thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or

(b) makes, presents, or uses any thing or item which the person knows to be false with the purpose of deceiving a public servant or any other party who is or may be engaged in the proceeding or investigation.

(3) Subsection (2) does not apply to any offense that amounts to a violation of Section 76-8-306.

(4) (a) Tampering with evidence is a third degree felony if the offense is committed in conjunction with an official proceeding.

(b) Any violation of this section except under Subsection (4)(a) is a class A misdemeanor.

Amended by Chapter 167, 2014 General Session

76-8-511. Falsification or alteration of government record -- Penalty.

A person is guilty of a class B misdemeanor if under circumstances not amounting to an offense subject to a greater penalty under Title 76, Chapter 6, Part 5, Fraud, the person:

- (1) knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government;
- (2) presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or records referred to in Subsection (1); or
- (3) intentionally destroys, conceals, or otherwise impairs the verity or availability of the information or records, knowing that the destruction, concealment, or impairment is unlawful.

Amended by Chapter 238, 2003 General Session

76-8-512. Impersonation of officer.

A person is guilty of a class B misdemeanor who:

- (1) impersonates a public servant or a peace officer with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act;
- (2) falsely states he is a public servant or a peace officer with intent to deceive another or to induce another to submit to his pretended official authority or to rely upon his pretended official act; or
- (3) displays or possesses without authority any badge, identification card, other form of identification, any restraint device, or the uniform of any state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another or with the intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

Amended by Chapter 4, 2013 Special Session 1

76-8-513. False judicial or official notice.

A person is guilty of a class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails, or delivers to the person a notice or other writing which has no judicial or other sanction but which in its format or appearance simulates a summons, complaint, court order, or process, or an insignia, seal, or printed form of a federal, state, or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.

Enacted by Chapter 196, 1973 General Session

76-8-601. Wrongful commencement of action in justice court.

Any party to any suit or proceeding, and any attorney or agent for the party, who knowingly commences, prosecutes, or maintains any action, suit, or proceeding in any

justice court other than as provided in Sections 78A-7-105 and 78A-7-106, is guilty of a class B misdemeanor.

Amended by Chapter 3, 2008 General Session

76-8-602. Assuming liability for conferring jurisdiction upon justice court judge.

Any person who binds himself, or voluntarily becomes liable jointly or jointly and severally with any other person, for the purpose of conferring jurisdiction of any cause upon any justice court judge in any precinct or city that would be without jurisdiction except for the liability of the joint obligor, and any person who induces a person to assume the liability for the purpose of conferring jurisdiction upon the justice court judge, is guilty of a class B misdemeanor.

Amended by Chapter 59, 1990 General Session

76-8-603. Wrongful attachment by justice court judge -- Liability.

It is unlawful for any justice court judge to issue any writ of attachment, and for any party, agent, or attorney of the party, to advise, induce, or procure the issuance thereof, in any action, suit, or proceeding before the affidavit is filed, or where the affidavit filed does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure. Any person violating any of the provisions of this section is guilty of a class B misdemeanor and shall be liable to the person whose property, credits, money, or earnings are attached for double the value of the attached property, together with all costs paid by him, and all damages incurred in the attachment proceedings.

Amended by Chapter 59, 1990 General Session

76-8-701. Definitions.

For the purposes of this part:

- (1) "Chief administrative officer" means the president of an institution of higher education or a person designated by the president.
- (2) "Enter" means intrusion of the entire body.
- (3) "Institution" or "institution of higher education" means:
 - (a) a state institution of higher education as defined in Section 53B-3-102; or
 - (b) a private institution of higher education in the state accredited by a regional or national accrediting agency recognized by the United States Department of Education.

Amended by Chapter 10, 2013 General Session

Amended by Chapter 257, 2013 General Session

76-8-702. Purpose.

It is the purpose of this part to:

(1) supplement and clarify the power vested in the governing board of each institution of higher education; and

(2) regulate, conduct, and enforce law and order on property owned, operated, or controlled by each institution of higher education.

Amended by Chapter 257, 2013 General Session

76-8-703. Criminal trespass upon an institution of higher education.

(1) (a) A chief administrative officer may order a person to leave property that is owned, operated, or controlled by an institution of higher education if the person:

(i) acts or if the chief administrative officer has reasonable cause to believe that the person intends to act to:

(A) cause injury to a person;

(B) cause damage to property;

(C) commit a crime;

(D) interfere with the peaceful conduct of the activities of the institution;

(E) violate any rule or regulation of the institution if that rule or regulation is not in conflict with state law; or

(F) disrupt the institution, its pupils, or the institution's activities; or

(ii) is reckless as to whether the person's actions will cause fear for the safety of another.

(b) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains on property that is owned, operated, or controlled by an institution of higher education after being ordered to leave under Subsection (1)(a).

(c) The mere carrying or possession of a firearm on the campus of a state institution of higher education, as defined in Section 53B-3-102, does not warrant an order to leave under Subsection (1)(a) if the person carrying or possessing the firearm is otherwise complying with all state laws regulating the possession and use of a firearm.

(2) A person is guilty of criminal trespass upon an institution of higher education if the person enters or remains without authorization upon property that is owned, operated, or controlled by an institution of higher education if notice against entry or remaining has been given by:

(a) personal communication to the person by the chief administrative officer or a person with apparent authority to act for the institution;

(b) the posting of signs reasonably likely to come to the attention of trespassers;

(c) fencing or other enclosure obviously designed to exclude trespassers; or

(d) a current order of suspension or expulsion.

(3) If an employee or student of an institution of higher education is ordered to leave under Subsection (1) or receives a notice against entry or remaining under Subsection (2), the institution of higher education shall afford the employee or student the process required by the institution of higher education's rules and regulations.

(4) A person who violates this section shall be punished as provided in Section 76-8-717.

Repealed and Re-enacted by Chapter 257, 2013 General Session

76-8-705. Willful interference with lawful activities of students or faculty.

A person is guilty of a class C misdemeanor if, on property that is owned, operated, or controlled by an institution of higher education, the person willfully:

- (1) denies to a student, school official, employee, or invitee lawful:
 - (a) freedom of movement;
 - (b) use of the property or facilities; or
 - (c) ingress or egress to the institution's physical facilities;
- (2) impedes a faculty or staff member of the institution in the lawful performance of the member's duties; or
- (3) impedes a student of the institution in the lawful pursuit of the student's educational activities.

Amended by Chapter 257, 2013 General Session

76-8-707. Assistance by local authorities.

(1) If, in the judgment of the chief administrative officer of any institution of higher education, or in the judgment of any officer or employee designated by him to maintain order on a campus or related facility, the law enforcement agency or security department of that institution lacks sufficient manpower to deal effectively with any condition of unrest existing or developing on a campus or related facility of the institution, he may call for assistance from the county sheriff of the county or any city law enforcement agency or from the Department of Public Safety.

(2) Upon receipt of the request, the county sheriff, city law enforcement agency, or Department of Public Safety must render all necessary assistance without expense to the institution of higher education.

(3) All personnel while rendering assistance shall serve under the general direction of the chief administrative officer of the institution or the officer or employee designated by him to maintain order on the campus or related facility.

Amended by Chapter 234, 1993 General Session

76-8-709. Enforcement of laws by local agencies not limited.

Nothing in this part shall limit:

- (1) the right or duty of any local law enforcement agency to enforce the law which it had prior to this enactment; or
- (2) the right of any state or local law enforcement agency to enforce the laws of this state.

Amended by Chapter 257, 2013 General Session

76-8-716. Request for assistance from state and local law enforcement authorities.

If, in the judgment of the chief administrative officer of any school or institution of

higher education, his agent, or representative, the police or security department of that institution lacks sufficient manpower to deal effectively with any condition of unrest existing or developing on a campus or facility of the institution, he may request assistance from state and local law enforcement authorities. All state and local law enforcement officers while rendering assistance shall serve in co-operation with the chief administrative officer of the institution or his agent or representative and without expense to the institution.

Enacted by Chapter 196, 1973 General Session

76-8-717. Violations -- Classifications of offenses.

Except as otherwise provided, a person found guilty of a violation of this part shall be punished as follows:

- (1) upon the first and second conviction, the person is guilty of a class B misdemeanor; or
- (2) if the person has previously been convicted two or more times of a violation of this part, the person is guilty of a class A misdemeanor.

Amended by Chapter 257, 2013 General Session

76-8-801. Definitions.

For the purpose of this part:

- (1) "Highway" includes any private or public street, way, or other place used for travel to or from property.
- (2) "Highway commissioners" means any individual, board, or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.
- (3) "Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation communication or other system by whomsoever owned or operated for public use.

Enacted by Chapter 196, 1973 General Session

76-8-802. Destruction of property to interfere with preparation for defense or war.

Whoever intentionally destroys, impairs, injures, interferes, or tampers with real or personal property with reasonable grounds to believe that the act will hinder, delay, or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be guilty of a felony of the second degree.

Enacted by Chapter 196, 1973 General Session

76-8-803. Causing or omitting to note defects in articles used in preparation for defense or war.

Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that the article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or that the article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-8-804. Attempts to commit crimes of sabotage.

Whoever attempts to commit any of the crimes defined by this part shall be punishable for the attempt as prescribed in Section 76-4-102. In addition to the acts which constitute an attempt to commit crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by this part not allowed by the commission of the crime, the collection or assemblage of any materials with the intent that they are to be used then or at a later time in the commission of the crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit the crime.

Enacted by Chapter 196, 1973 General Session

76-8-805. Conspiracy to commit crimes of sabotage.

If two or more persons conspire to commit any crime defined by this part each of the persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence, or punishment on behalf of any person prosecuted under this section that any of his fellow conspirators has been acquitted, has not been arrested or convicted, or is amenable to justice or has been pardoned or otherwise discharged before or after conviction.

Enacted by Chapter 196, 1973 General Session

76-8-806. Facts kept secret until complaint filed.

A person may not make public any evidence of fact or the name of the person accused of violating the provisions of Sections 76-8-802, 76-8-803, 76-8-804, and 76-8-805 prior to the filing of a formal complaint by the prosecuting attorney or committing magistrate charged with the performance of that duty.

Amended by Chapter 296, 1997 General Session

76-8-807. Posting of signs at war or defense facilities -- Entering posted premises without permission.

(1) Any individual, partnership, association, corporation, municipal corporation, or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons, or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock, or railway entrance and every one hundred feet of water front a sign reading "No Entry Without Permission." The sign shall also designate a point of entrance or place where application may be made for permission to enter, and permission shall not be denied to any loyal citizen who has a valid right to enter.

(2) Any person willfully entering property enumerated in Subsection (1), without permission of the owner, shall be guilty of a class C misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-808. Detention and arrest without warrant of unauthorized persons on posted premises.

Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in Section 76-8-807 may stop any person found on any premises to which entry without permission is forbidden by Section 76-8-807 and may detain him for the purpose of demanding, and may demand, of him, his name, address, and business in such place. If the peace officer or employee has reason to believe that the person has no right to be in the place, he shall release the person or he may arrest him without a warrant on the charge of violating the provisions of Section 76-8-807; and the employee shall release him or turn him over to the peace officer, or may arrest him without a warrant on the charge of violating the provisions of Section 76-8-807.

Enacted by Chapter 196, 1973 General Session

76-8-809. Closing or restricting use of highways abutting defense or war facilities -- Posting of notices.

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which the property abuts, may petition the highway commissioners of any city, town, or county to close one or more of the highways or parts thereof to public use

and travel or to restrict by order the use and travel upon one or more of the highways or parts thereof.

Upon receipt of the petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town, or county in which the property is located and as required in Section 45-1-101, the publication shall be made at least seven days prior to the date set for hearing. If, after hearing, the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of the highways or parts thereof; provided the highway commissioners may issue written permits to travel over the highway so closed or restricted to responsible and reputable persons for a term, under conditions and in a form as the commissioners may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by an order. The highway commissioners may at any time revoke or modify any order so made.

Amended by Chapter 388, 2009 General Session

76-8-810. Violation of order relating to use of highways -- Classification of offense.

Whoever violates any order made under the immediate preceding section shall be guilty of a class C misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-811. Bargaining rights of employees not impaired by sabotage prevention laws.

Nothing in this part shall be construed to impair, curtail, or destroy the rights of employees and their representatives to self organize, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection as provided by state or federal laws.

Amended by Chapter 20, 1995 General Session

76-8-901. "Criminal syndicalism" and "sabotage" defined.

For the purpose of this part:

(1) "Criminal syndicalism" is the doctrine which advocates crime, violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution.

(2) "Sabotage" means the unlawful and intentional damage or injury to, or destruction of, real or personal property, in any form whatsoever, of any employer or owner by his employees, or by any employer, or by any person at the instance of any employer, or at the instance, request, or instigation of employees, or any other person.

Enacted by Chapter 196, 1973 General Session

76-8-902. Advocating criminal syndicalism or sabotage.

Any person who by word of mouth or writing advocates, suggests, or teaches the duty, necessity, propriety, or expediency of crime, criminal syndicalism or sabotage, or who advocates, suggests or teaches the duty, necessity, propriety, or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, or who prints, publishes, edits, or issues, or knowingly circulates, sells, or distributes, or publicly displays, any books, pamphlets, paper, handbill, poster, document, or written or printed matter in any form whatsoever, containing, advocating, advising, suggesting, or teaching crime, criminal syndicalism, sabotage, the doing of any act of violence, the destruction of or damage to any property, the injury to any person, or the commission of any crime or unlawful act, as a means of accomplishing, effecting, or bringing about any industrial or political ends or change, or as a means of accomplishing, effecting, or bringing about any industrial or political revolution, or who openly or at all attempts to justify by word of mouth or writing the commission or the attempt to commit sabotage, any act of violence, the destruction of or damage to any property, the injury of any person, or the commission of any crime or unlawful act, with the intent to exemplify, spread, or teach or suggest criminal syndicalism, or organizes, or helps to organize, or becomes a member of, or voluntarily assembles with, any society or assemblage of persons formed to teach or advocate, or which teaches, advocates, or suggests the doctrine of criminal syndicalism or sabotage, or the necessity, propriety, or expediency of doing any act of violence or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, is guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-8-903. Assembly for advocating criminal syndicalism or sabotage.

The assembly or consorting of two or more persons for the purpose of advocating, teaching, or suggesting the doctrine of criminal syndicalism, or to advocate, teach, suggest or encourage sabotage, or the duty, necessity, propriety or expediency of doing any act of violence, the destruction of or damage to any property, the bodily injury to any person, or the commission of any crime or unlawful act as a means of accomplishing or effecting any industrial or political ends, change or revolution, is hereby declared unlawful, and every person voluntarily participating therein, or by his presence aiding and instigating the same is guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-8-904. Permitting use of property for assembly advocating criminal

syndicalism or sabotage.

The owner, lessee, agent, superintendent, or person in charge or occupation of any place, building, room, or structure, who knowingly permits therein any assembly or consorting of persons prohibited by the provisions of Section 76-8-903, or who after notification that the place or premises, or any part thereof, is so used, permits such use to be continued, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-1101. Criminal offenses and penalties relating to revenue and taxation -- Rulemaking authority -- Statute of limitations.

(1) (a) As provided in Section 59-1-401, criminal offenses and penalties are as provided in Subsections (1)(b) through (e).

(b) (i) Any person who is required by Title 59, Revenue and Taxation, or any laws the State Tax Commission administers or regulates to register with or obtain a license or permit from the State Tax Commission, who operates without having registered or secured a license or permit, or who operates when the registration, license, or permit is expired or not current, is guilty of a class B misdemeanor.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (1)(b)(i), the penalty may not:

(A) be less than \$500; or

(B) exceed \$1,000.

(c) (i) With respect to a tax, fee, or charge as defined in Section 59-1-401, any person who knowingly and intentionally, and without a reasonable good faith basis, fails to make, render, sign, or verify any return within the time required by law or to supply any information within the time required by law, or who makes, renders, signs, or verifies any false or fraudulent return or statement, or who supplies any false or fraudulent information, is guilty of a third degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (1)(c)(i), the penalty may not:

(A) be less than \$1,000; or

(B) exceed \$5,000.

(d) (i) Any person who intentionally or willfully attempts to evade or defeat any tax, fee, or charge as defined in Section 59-1-401 or the payment of a tax, fee, or charge as defined in Section 59-1-401 is, in addition to other penalties provided by law, guilty of a second degree felony.

(ii) Notwithstanding Section 76-3-301, for purposes of Subsection (1)(d)(i), the penalty may not:

(A) be less than \$1,500; or

(B) exceed \$25,000.

(e) (i) A person is guilty of a second degree felony if that person commits an act:

(A) described in Subsection (1)(e)(ii) with respect to one or more of the following documents:

(I) a return;

(II) an affidavit;

(III) a claim; or
(IV) a document similar to Subsections (1)(e)(i)(A)(I) through (III); and
(B) subject to Subsection (1)(e)(iii), with knowledge that the document described in Subsection (1)(e)(i)(A):
(I) is false or fraudulent as to any material matter; and
(II) could be used in connection with any material matter administered by the State Tax Commission.
(ii) The following acts apply to Subsection (1)(e)(i):
(A) preparing any portion of a document described in Subsection (1)(e)(i)(A);
(B) presenting any portion of a document described in Subsection (1)(e)(i)(A);
(C) procuring any portion of a document described in Subsection (1)(e)(i)(A);
(D) advising in the preparation or presentation of any portion of a document described in Subsection (1)(e)(i)(A);
(E) aiding in the preparation or presentation of any portion of a document described in Subsection (1)(e)(i)(A);
(F) assisting in the preparation or presentation of any portion of a document described in Subsection (1)(e)(i)(A); or
(G) counseling in the preparation or presentation of any portion of a document described in Subsection (1)(e)(i)(A).
(iii) This Subsection (1)(e) applies:
(A) regardless of whether the person for which the document described in Subsection (1)(e)(i)(A) is prepared or presented:
(I) knew of the falsity of the document described in Subsection (1)(e)(i)(A); or
(II) consented to the falsity of the document described in Subsection (1)(e)(i)(A);
and
(B) in addition to any other penalty provided by law.
(iv) Notwithstanding Section 76-3-301, for purposes of this Subsection (1)(e), the penalty may not:
(A) be less than \$1,500; or
(B) exceed \$25,000.
(v) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the State Tax Commission may make rules prescribing the documents that are similar to Subsections (1)(e)(i)(A)(I) through (III).
(2) The statute of limitations for prosecution for a violation of this section is the later of six years:
(a) from the date the tax should have been remitted; or
(b) after the day on which the person commits the criminal offense.

Amended by Chapter 52, 2014 General Session

76-8-1201. Definitions.

As used in this part:

(1) "Client" means a person who receives or has received public assistance.

(2) "Overpayment" means the same as that term is defined in Section 35A-3-602.

- (3) "Provider" means the same as that term is defined in Section 62A-11-103.
- (4) "Public assistance" means the same as that term is defined in Section 35A-1-102.

Amended by Chapter 90, 2003 General Session

76-8-1202. Application of part.

- (1) This part does not apply to offenses by providers under the state's Medicaid program that are actionable under Title 26, Chapter 20, False Claims Act.
- (2) (a) Section 35A-1-503 applies to criminal actions taken under this part.
- (b) The repayment of funds or other benefits obtained in violation of the provisions of this chapter shall not constitute a defense or grounds for dismissal of a criminal action.

Amended by Chapter 174, 1997 General Session

76-8-1203. Disclosure required -- Penalty.

- (1) Each person who applies for public assistance shall disclose to the state agency administering the public assistance each fact that may materially affect the determination of the person's eligibility to receive public assistance, including the person's current:
 - (a) marital status;
 - (b) household composition;
 - (c) employment;
 - (d) earned and unearned income, as defined by rule;
 - (e) receipt of monetary and in-kind gifts that may affect the person's eligibility;
 - (f) assets that may affect the person's eligibility; and
 - (g) any other material fact or change in circumstance that may affect the determination of that person's eligibility to receive public assistance benefits, or may affect the amount of benefits for which the person is eligible.
- (2) A person applying for public assistance who intentionally, knowingly, or recklessly fails to disclose a material fact required to be disclosed under Subsection (1) is guilty of public assistance fraud as provided in Section 76-8-1206.
- (3) With the exception of a client receiving public assistance from the Department of Workforce Services or the Department of Health, a client who intentionally, knowingly, or recklessly fails to disclose to the state agency administering the public assistance a change in a material fact required to be disclosed under Subsection (1), within 10 days after the date of the change, is guilty of public assistance fraud as provided in Section 76-8-1206.
- (4) A client who intentionally, knowingly, or recklessly fails to disclose to the Department of Workforce Services or the Department of Health at the time of a review or recertification, whichever comes first, a change in a material fact required to be disclosed under Subsection (1) is guilty of public assistance fraud as provided in Section 76-8-1206.

Amended by Chapter 94, 2010 General Session

76-8-1204. Disclosure by provider required -- Penalty.

(1) (a) Any provider who solicits, requests, or receives, actually or constructively, any payment or contribution through a payment, assessment, gift, devise, bequest, or other means, directly or indirectly, from a client or client's family shall notify the state agency administering the public assistance the client is receiving of the amount of payment or contribution in writing within 10 days after receiving that payment or contribution.

(b) If the payment or contribution is to be made under an agreement, written or oral, the provider shall notify the state agency administering the public assistance the client is receiving of the payment or contribution within 10 days after entering into the agreement.

(2) Any person who intentionally, knowingly, or recklessly fails to notify the state agency administering the public assistance the client is receiving as required by this section is guilty of public assistance fraud as provided in Section 76-8-1206.

Amended by Chapter 48, 2000 General Session

76-8-1205. Public assistance fraud defined.

Each of the following persons, who intentionally, knowingly, or recklessly commits any of the following acts, is guilty of public assistance fraud:

(1) any person who uses, transfers, acquires, traffics in, falsifies, or possesses any SNAP benefits as defined in Section 35A-1-102, SNAP identification card, certificate of eligibility for medical services, Medicaid identification card, fund transfer instrument, payment instrument, or public assistance warrant in a manner not allowed by law;

(2) any person who fraudulently misappropriates any funds exchanged for SNAP benefits as defined in Section 35A-1-102, or any identification card, certificate of eligibility for medical services, Medicaid identification card, or other public assistance with which he has been entrusted or that has come into his possession in connection with his duties in administering any state or federally funded public assistance program;

(3) any person who receives an unauthorized payment as a result of acts described in this section;

(4) any provider who receives payment or any client who receives benefits after failing to comply with any applicable requirement in Sections 76-8-1203 and 76-8-1204;

(5) any provider who files a claim for payment under any state or federally funded public assistance program for goods or services not provided to or for a client of that program;

(6) any provider who files or falsifies a claim, report, or document required by state or federal law, rule, or provider agreement for goods or services not authorized under the state or federally funded public assistance program for which the goods or services were provided;

(7) any provider who fails to credit the state for payments received from other sources;

(8) any provider who bills a client or a client's family for goods or services not provided, or bills in an amount greater than allowed by law or rule;

(9) any client who, while receiving public assistance, acquires income or resources in excess of the amount he previously reported to the state agency administering the public assistance, and fails to notify the state agency to which the client previously reported within 10 days after acquiring the excess income or resources;

(10) any person who fails to act as required under Section 76-8-1203 or 76-8-1204 with intent to obtain or help another obtain an "overpayment" as defined in Section 35A-3-602; and

(11) any person who obtains an overpayment by violation of Section 76-8-1203 or 76-8-1204.

Amended by Chapter 41, 2012 General Session

76-8-1206. Penalties for public assistance fraud.

(1) The severity of the offense of public assistance fraud is classified in accordance with the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied for as follows:

(a) second degree felony if the value is or exceeds \$5,000;

(b) third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;

(c) class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500;

and

(d) class B misdemeanor if the value is less than \$500.

(2) For purposes of Subsection (1), the value of an offense is calculated by aggregating the values of each instance of public assistance fraud committed by the defendant as part of the same facts and circumstances or a related series of facts and circumstances.

(3) Incidents of trafficking in SNAP benefits as defined in Section 35A-1-102 that occur within a six-month period, committed by an individual or coconspirators, are deemed to be a related series of facts and circumstances regardless of whether the transactions are conducted with a variety of unrelated parties.

Amended by Chapter 41, 2012 General Session

76-8-1207. Legal actions -- Evidence -- Value of benefits -- Repayment no defense to criminal action.

In any criminal action pursuant to this part:

(1) a paid state warrant made to the order of a party or a payment made through an electronic benefit card issued to a party constitutes prima facie evidence that the party received financial assistance from the state;

(2) all of the records in the custody of the department relating to the application for, verification of, issuance of, receipt of, and use of public assistance constitute records of regularly conducted activity within the meaning of the exceptions to the hearsay rule of evidence;

(3) the value of the benefits received shall be based on the ordinary or usual charge for similar benefits in the private sector; and

(4) the repayment of funds or other benefits obtained in violation of the provisions of this part constitutes no defense to, or ground for dismissal of, that action.

Amended by Chapter 48, 2000 General Session

76-8-1301. False statements regarding unemployment compensation -- Penalties.

(1) (a) A person who makes a false statement or representation knowing it to be false or knowingly fails to disclose a material fact, to obtain or increase a benefit or other payment under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any state or of the federal government for any person is guilty of unemployment insurance fraud.

(b) A violation of Subsection (1)(a) is:

(i) a class B misdemeanor when the value of the money obtained or sought to be obtained is less than \$500;

(ii) a class A misdemeanor when the value of the money obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;

(iii) a third degree felony when the value of the money obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or

(iv) a second degree felony when the value of the money obtained or sought to be obtained is or exceeds \$5,000.

(c) The determination of the degree of an offense under Subsection (1)(b) shall be measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.

(2) (a) An officer or agent of an employing unit as defined in Section 35A-4-202 or any other person who makes a false statement or representation knowing it to be false, or who knowingly fails to disclose a material fact, to prevent or reduce the payment of unemployment compensation benefits to an individual entitled to those benefits, or to avoid becoming or remaining a subject employer or to avoid or reduce any contribution or other payment required from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any state or of the federal government, or who willfully fails or refuses to make a contribution or other payment or to furnish any report required in Title 35A, Chapter 4, Employment Security Act, or to produce or permit the inspection or copying of records as required under that chapter is guilty of unemployment insurance fraud.

(b) A violation of Subsection (2)(a) is:

(i) a class B misdemeanor when the value of the money obtained or sought to be obtained is less than \$500;

(ii) a class A misdemeanor when the value of the money obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;

(iii) a third degree felony when the value of the money obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or

(iv) a second degree felony when the value of the money obtained or sought to

be obtained is or exceeds \$5,000.

(3) (a) A person who willfully violates any provision of Title 35A, Chapter 4, Employment Security Act, or any order made under that chapter, the violation of which is made unlawful or the observance of which is required under the terms of that chapter, and for which a penalty is neither prescribed in that chapter nor provided by any other applicable statute is guilty of a class A misdemeanor.

(b) Each day a violation of Subsection (3)(a) continues shall be a separate offense.

(4) A person is guilty of a class C misdemeanor if:

(a) as an employee of the Department of Workforce Services, in willful violation of Section 35A-4-312, the employee makes a disclosure of information obtained from an employing unit or individual in the administration of Title 35A, Chapter 4, Employment Security Act; or

(b) the person has obtained a list of applicants for work or of claimants or recipients of benefits under Title 35A, Chapter 4, Employment Security Act, and uses or permits the use of the list for any political purpose.

Amended by Chapter 193, 2010 General Session

76-8-1401. Definitions.

As used in this part:

(1) "Chief administrator" means the principal of a school or the chief administrator of a school that does not have a principal, and includes the administrator's designee or representative.

(2) "School" means an elementary school or a secondary school that:

(a) is a public or private school; and

(b) provides instruction for one or more of the grades kindergarten through 12.

Enacted by Chapter 107, 2004 General Session

76-8-1402. Disruption of activities in or near school building -- Failure to leave -- Reentry -- Penalties.

(1) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (1), a person is guilty of an offense under Subsection (2) who, while on a street, sidewalk, or public way adjacent to any school building or ground:

(a) by his or her presence or acts, materially disrupts the peaceful conduct of school activities; and

(b) remains upon the place under Subsection (1)(a) after being asked to leave by the chief administrator of that school.

(2) (a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b) unless the violation constitutes another offense subject to a greater penalty.

(b) (i) The first and second violation of Subsection (1) are class B misdemeanors.

(ii) A third and any subsequent violations of Subsection (1) are class A

misdemeanors.

Enacted by Chapter 107, 2004 General Session

**76-8-1403. Evading law enforcement by going on to school property --
Penalty -- Restitution.**

- (1) As used in this section:
 - (a) "School" means any public or private kindergarten, elementary, or secondary school through grade 12, including all buildings and property of the school.
 - (b) "School property" means real property:
 - (i) that is owned or occupied by a public or private school; or
 - (ii) (A) that is temporarily occupied by students for a school-related activity or program; and
 - (B) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program.
- (2) A person is guilty of the class A misdemeanor of evading law enforcement while on school property, if the person enters onto school property when:
 - (a) students are attending the school or students are participating in any school-related activity or program on school property; and
 - (b) the person is in the act of fleeing or evading, or attempting to flee or evade, pursuit or apprehension by any peace officer.
- (3) It is not a defense that the person did not know that the person had entered onto school property.
- (4) As a part of the sentence for violation of this section, the court shall order the defendant to reimburse the school for costs incurred by the school in responding to the defendant's presence on the school property.
- (5) The offense under this section of evading law enforcement while on school property is a separate offense from a violation of:
 - (a) Section 41-6a-210, regarding failure to respond to an officer's signal to stop; or
 - (b) Section 76-8-305.5, regarding failure to stop at the command of a law enforcement officer.

Enacted by Chapter 284, 2009 General Session